



NEW HAMPSHIRE LIQUOR COMMISSION

Division of Enforcement, Licensing and Education

Industry Circular

Number 2020-01

Issued February 5, 2020

Relative and Applicable Statutes and Rules:

RSA 179:13; RSA 179:32

Relative to Limited Credit (10 Day List)

1. Purpose

The New Hampshire Liquor Commission, Division of Enforcement and Licensing (Commission) provides the following information relative to the requirements of a holder of a wholesale distributor, brew pub, nano brewery, or beverage manufacturer license as it pertains to RSA 179:13 Limited Credits, commonly referred to by industry members as the “10 Day List.”

The intent of this industry-wide communication is to outline the responsibilities of the wholesale distributor, brew pub, nano brewery, or beverage manufacturer in regards to reporting to the commission a licensee who is delinquent in making payments of accounts.

2. Discussion

The following information is taken from NH RSA 179:13 and sets forth the actions required by each licensed **wholesale distributor, brew pub, nano brewery, or beverage manufacturer**. (<http://www.gencourt.state.nh.us/rsa/html/XIII/179/179-13.htm>):

- Each holder of a wholesale distributor, brew pub, nano brewery or beverage manufacturer license ***shall*** report to the commission the name and license number of any on- premises or off-premises licensee who is delinquent in making payment of accounts over a total of \$100 within 10 days from the date of the delivery. RSA 179:13, I.
- Each holder of a beverage manufacturer license, beverage vendor license, brew pub license, nano brewery license, or wholesale distributor license ***shall*** immediately notify the commission of the receipt of the payment of any account which has been reported to the commission as delinquent. RSA 179:13, II.

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- Such report to the commission shall include the amounts purchased and the dates when payments were due and shall be forwarded to the commission within 5 days after said accounts become delinquent. (The form can be found at <https://www.nh.gov/liquor/enforcement/docs-forms-permits/index.htm>). RSA 179:13, I.
 - No holder of a beverage manufacturer license, beverage vendor license, brew pub license, nano brewery license, or wholesale distributor license ***shall*** knowingly make any delivery of beverages to any licensee whose payments for purchases of beverages are reported as delinquent. RSA 179:13, III.
 - Each wholesale distributor, brew pub licensee, nano brewery, or beverage manufacturer ***shall notify any retailer reported to the commission*** who is delinquent in making payment of accounts. Notification ***shall*** be delivered in writing to the licensee (retailer) by a representative of the wholesaler, brew pub licensee, nano brewery, or beverage manufacturer.
 - ***Proof of notification shall be forwarded to the commission.*** RSA 179:13, V.

The following information is taken from NH RSA 179:13 and contains the actions required of the **commission**. (<http://www.gencourt.state.nh.us/rsa/html/XIII/179/179-13.htm>):

- The commission ***shall*** inform holders of beverage manufacturer licenses, beverage vendor licenses, brew pub licenses, nano brewery licenses, and wholesale distributor licenses of the names of licensees who are delinquent in making payments of a total amount of \$100 or more. RSA 179:13, III.
- The commission may withhold names of delinquent licensees under circumstances in which there is a dispute over payments, an agreement to liquidate which has been approved by the commission, or other reason which the commission may deem proper. RSA 179:13, III.
- The commission may impose a fine of not less than \$100 nor more than \$500 for a violation of this section. Determinations of a failure to comply with this section shall be made by the commission. RSA 179:13, IV.
- Upon receipt of proof of that a delinquent licensee (retailer) received notice that its delinquency was reported to the commission, the enforcement division ***shall*** issue an administrative notice for a violation of the provisions of RSA 179:13, I and ***shall*** forward a report of violation for administrative action. RSA 179:13, V.
- Any license issued to any business violating the provisions of RSA 179:13, I, may be suspended by the commission for nonpayment of accounts which are delinquent more than 15 days from the date of the wholesale distributor's, brew pub licensee's, nano brewery's, or



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beverage manufacturer's notification, providing the requirements of this section have been met. RSA 179:13, V.

3. Questions Presented to the Division of Enforcement:

Q. As a holder of a wholesale distributor, brew pub, nano brewery, or beverage manufacturer license, how do I notify the commission of a licensee who is delinquent in making payments of accounts over a total of \$100?

A. The updated "Limited Credits Notification Form" is available directly from the NH Liquor Commission- Division of Enforcement Website.
<https://www.nh.gov/liquor/enforcement/docs-forms-permits/index.htm>

Q. As a holder of a wholesale distributor, brew pub, nano brewery, or beverage manufacturer license, how do I provide proof to the commission that a retailer was notified of the delinquent account?

A. On the updated "Limited Credits Notification Form", simply indicate in the "Date of Notification to Licensee" column the date that you provided the licensee written notification of the delinquent account. Retain the actual notification record, as you may be required to produce this notification to the commission at a later date.

Q. If an on- premise or off- premise licensee is reported to the commission as a delinquent account, can they purchase beverages from suppliers other than a wholesale distributor, brew pub, nano brewery, or beverage manufacturer?

A. No. NH RSA 179:32, III states, "All on-premises or off-premises licensees shall purchase their supplies of beverages from licensed wholesale distributors, manufacturers, brew pubs, or as otherwise specifically provided by law". Similarly, RSA 179:13, III states, "no holder of a beverage manufacturer license, beverage vendor license, brew pub license, nano brewery license, or wholesale distributor license shall knowingly make any delivery of beverages to any licensee whose payments for purchases of beverages are reported as delinquent under this section."

Q. Who should I contact if I have more questions?

A. Please contact the Division of Enforcement, Licensing and Education at 603-271-3521 to have your questions answered.